

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
AIKEN DIVISION**

United States of America,)
)
Plaintiff,)
) C.A. 1:08-CV-01707-MBS
v.)
)
Norfolk Southern Railway Company,)
)
Defendant.)

CONSENT ORDER EXTENDING STAY OF PROCEEDINGS

This matter is before the Court on joint motion of the parties requesting an extension of the stay order previously entered by this Court dated August 24, 2009 (D.E. #84). Based upon the arguments of counsel, and for good cause having been shown, the Court agrees that an extension of the stay is warranted. Accordingly, the Court extends the stay previously entered in this matter by an additional sixty (60) days. The Court further orders as follows:

1. The deadline for Defendant's response to Plaintiff's motion for pretrial conference (D.E. #70), is hereby extended until November 30, 2009;
2. The deadline for Plaintiff's response to Defendant's motion for partial summary judgment (D.E. #74), is hereby extended until November 30, 2009; and
3. The deadline for Plaintiff's submission of rebuttal expert reports is hereby extended until November 30, 2009.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

Columbia, South Carolina
September 29, 2009

We so move and consent:

W. Walter Wilkins
United States Attorney
District of South Carolina
/s/ R. Emery Clark
R. Emery Clark (Fed. I.D. #1183)
Assistant United States Attorney
Wachovia Building, Suite 500
1441 Main Street
Columbia, SC 29201
(803) 929-3085

AND

s/Davis H. Forsythe
Patricia L. Hurst
Davis H. Forsythe
Environmental Protection Section
Environmental and Natural Resources Div.
U.S. Department of Justice
P.O. Box 7611
Washington, D.C. 20044
(202) 616-6528

Attorneys for Plaintiff

/s/ Ronald K. Wray, II
Ronald K. Wray, II (Fed. I.D. #5763)
Christopher M. Kelly (Fed. I.D. # 6999)
GALLIVAN, WHITE & BOYD, P.A.
55 Beattie Place, Suite 1200
P.O. Box 10589
Greenville, SC 29603
(864) 271-9580
(864) 271-7502 FAX
rwray@gwblawfirm.com
ckelly@gwblawfirm.com

AND

Ragu-Jara Gregg
David T. Buente
SIDLEY AUSTIN LLP
1501 K Street, N.W.
Washington, District of Columbia 20005
(202) 736-8000
dbuente@sidley.com
rjgregg@sidley.com

AND

Karen Aldridge Crawford (Fed. I.D. # 0925)
NELSON MULLINS RILEY AND SCARBOROUGH
1320 Main Street
P.O. Box 11070
Columbia, SC 29211
(803) 255-9442
(803) 255-9145 FAX
karen.crawford@nelsonmullins.com

AND

Crawford S. McGivaren, Jr.
CABANISS, JOHNSTON, GARDNER, DUMAS & O'NEAL, LLP
P.O. Box 830612
Birmingham, AL 35283-0612
(205) 716-5312 (tel.)
(205) 716-5389 (fax)
csm@cabaniss.com

Attorneys for Defendant,
Norfolk Southern Railway Company

Dated: September 29, 2009